

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MANUEL HILL, ) No. C 07-05125 JF (PR)  
Plaintiff, ) ORDER DENYING MOTION  
vs. ) TO STRIKE AND MOTION TO  
RODERICK HICKMAN, et al., ) DISMISS; GRANTING  
Defendants. ) MOTION FOR EXTENSION OF  
TIME TO FILE REPLY  
(Docket No. 15)

Plaintiff, a California prisoner incarcerated at Pelican Bay State Prison (“PBSP”) and proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 against California state prison officials. Defendants have filed a motion to strike Plaintiff’s opposition as untimely and a motion to dismiss the complaint for failure to prosecute. (Docket No. 15.) Defendants’ motions are DENIED in light of Plaintiff’s pro se and incarcerated status. The Court will consider Plaintiff’s opposition notwithstanding its untimeliness.

In the alternative, Defendants request an extension of time to file a reply to Plaintiff's opposition. (Docket No. 15.) Good cause appearing, Defendants' motion for an extension of time to file a reply is GRANTED. Defendants shall file a reply **no later than September 15, 2008.**

IT IS SO ORDERED.

DATED: 8/14/08

  
JEREMY FOGEL  
United States District Judge